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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,787	09/04/2001	Dietmar Huglin	HP/2-21867	3542

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CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
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TARRYTOWN, NY 10591-9005

EXAMINER
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CHANNAVAJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/830,787

Applicant(s)

HUGLIN ET AL.

Examiner

Lakshmi S. Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33,35,36,42,43,47-49,54-61,63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,35,36,42,43,47-49,54-61 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt of remarks and declaration dated 1-25-07 is acknowledged.

Claims 33, 35, 36, 42, 43, 47-49, 54-61, 63 and 64 are pending in the instant application.

### ***Response to Arguments***

Applicant's response and the declaration under Rule 132 filed 1-25-07, with respect to the pending claims 33, 35, 36, 42, 43, 47-49, 54-61, 63 and 64 have been fully considered and are persuasive. The rejection of claims 33, 35, 36, 42, 43, 47-49, 54-61, 63 and 64 has been withdrawn.

Upon careful consideration, the following non-final rejection has been applied:

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 33, 35, 36, 42, 43, 47-48, 61 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,643,985 to Hoffmann et al (Hoffmann).

Hoffmann teaches stabilization and prevention of oxidation of plastic materials of household or industrial type by the addition of phenolic antioxidants (col.1). The compounds (benzenepropanoic acid 3-(1,1-dimethylethyl)-4-hydroxy)-5-methyl-1,2-ethandiylbis(oxy-2,1-ethandiyl)ester & benzenepropanoic acid 3,5-bis-(1,1-dimethylethyl)-4-hydroxy)-1,6-hexanediylester) described in col. 6 of the Hoffmann meet the claimed compounds with the conditions of "e=2, Q= ethylene, v is O (for claims 33,

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35, 36, 42-43). Hoffmann teaches mixtures of the compounds (see col. 3). While Hoffmann teaches the stabilizing compounds for recycled plastic materials (domestic as well as industrial- see col. 12 for lubricants, antistatic agents, pigments), instant claims broadly recite "household products", which encompass the plastic materials of the Hoffmann and hence Hoffmann anticipates instant claims.

2. Claims 33, 35, 47-48, 61 and 64 are rejected under 35 U.S.C. 102(a) as being anticipated by US 5,723,435 to Severns et al (Severns).

Severns teaches fabric softener compositions comprising a light stable antioxidant compounds such as those described in col. 3 (compound II- see the description of the variables in col. 3-4). The compounds of Severns teaches on the claimed compounds and instant claims recite "household products such as textile products", which encompass the fabric softening compositions of Severns. Thus, Severns anticipate instant claims.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,723,435 to Severns et al (Severns) in view of US 5,716,918 to Sivik et al (Sivik).

Severn, discussed above, fails to teach the claimed tocopherol antioxidants.

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Sivik teaches fabric conditioning and antioxidant compositions comprising fabric softening compounds, perfumes and in addition, stabilizers such as antioxidants (col. 14, L 51+). Among the antioxidants, Sivik teaches a number of compounds such as ascorbic acid, tocopherols etc (col. 15, L 4), for the long-term storage of the compounds. Thus it would have been obvious for one of an ordinary skill in the art at the time of instant invention to include other antioxidants such as tocopherol of Sivik in the fabric care or stabilizing composition of Severns because Severns desires a mixture of stabilizing compounds and Sivik suggests the employing antioxidants such as tocopherols offer long term storage of the fabric softening compositions comprising perfumes. A skilled artisan would have expected to achieve enhanced and long term stability of the compositions of Severns.

4. Claims 54-60 and 63 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al (Severns) in view of US 5,082,661 to Melnik et al (Melnik).

Severns discussed above fails to teach the claimed body care compositions and instead teaches textile care compositions.

Melnik teaches an odorless cosmetic composition comprising a silicone polymer and an antioxidant, wherein the antioxidant inhibits the degradation of gelatin and prevent the malodor formation (abstract, col. 1). Among the antioxidants, Melnik teaches a variety of compounds such as tocopherol, (col. 2, L 15-20) and Irganox (a

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tert-butyl hydroxyphenyl propionate compound) (col. 2, L 33-35). Further, Melnik teaches a variety of skin care compositions that can be stabilized with the above compounds (see examples).

It would have been obvious for one of an ordinary skill in the art at the time of instant invention to employ the antioxidant compounds of Severns in stabilizing cosmetic or body care compositions because Melnik teaches the antioxidant combinations such as those described are effective in prevent the odor arising from protein breakdown in cosmetic composition (gelatin wall of capsules) and thus stabilize the compositions.

### ***Claim Rejections - 35 USC § 112***

Claims 33, 35, 36, 42, 43, 47-49, 54-61, 63 and 64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Instant claims broadly recite a number of body care and house hold composition, however fails to describe any description of what hormones, vegetables, light protection or rust removing, decorative preparations etc. While the specification provides description of certain body care preparations, a mere mention of the above hormones, vegetables, light protection or rust removing, decorative preparations, without actual description of what the compositions or the specific hormones or

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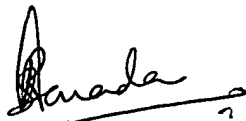
vegetables etc., are, one skilled in the art would not readily envisage what preparations are being encompassed by the claims. Thus, the specification lacks written description.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615  
April 16, 2007



**LAKSHMI S. CHANNAVAJJALA**  
**PRIMARY EXAMINER**